(12)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Misc. Appeal NO.1337 OF 2005

APPELLANT
APPLICANT

Rameshwar Prasad Mahilang aged about 54 years, son of Late Shri Ad Prasad, occupation – Upper Division Teacher, Resident of village Nawagaon, Ghuthera, PO Mungeli, Police Station and Tah. Mungeli, Distt. Bilaspur (C.G.)

VERSUS

RESPONDENTS
NON-APPLICANTS

1. Vinod Lal Masih, aged about 31 years, son of Sona Lal Masih, resident of Nawagaon, Fasterpur, Police Station and Tahsil Mungeli, Distt. Bilapsur (C.G.)
2. Anish Samuel Masih, aged about 33 years, son of Late P.K. Masih, resident of village Nawagaon, Fasterpur, Police Station and Tahsil Mungeli, District Bilapsur (C.G.)
3. United India Insurance Co. Limited, Bilaspur (C.G.)

Present: Mr.G.P. Kurre, learned counsel for the appellant.

ORAL ORDER
(Passed on 18th January 2006)

The following oral order of the Court was passed by

D.R. DESHMUKH, J :

In a personal injury case, the only grievance of the appellant is that the MACT has not considered the fact that the claimant had suffered permanent disability of 10 % . Thus, learned counsel for the appellant submitted that the compensation awarded by the learned

MACT is very much on lower side. We have gone through the record and also the evidence. Although, the claimant had examined Dr. Naveen Deshpande (AW2), Dr. Hemant Chatterjee, (AW3) and Dr. M.L. Pandey (AW-4), yet none of the doctors said in clear and unambiguous terms that the claimant has suffered 10% disability. In that view of the matter, the contention of the learned counsel for the appellant does not hold ground. The Tribunal has given a finding that the ligament injury in knee joint suffered by the claimant could be due to old age and not due to the accident. In the absence of any legal and cogent medical evidence, the compensation of Rs. 5,872/- awarded by the MACT, in our considered opinion, cannot be faulted with. The appeal is devoid of merit and it is accordingly dismissed at the stage of motion. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge